

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	3:16-cr-00051-BR
	)	
AMMON BUNDY, et al.	)	DECLARATION
	)	
Defendants.	)	
_____	)	

JONES, District Judge.

I make this declaration to supplement the record regarding issues of pretrial detention in light of the government's decision to take no position on these matters.

On May 24, 2016, defendants filed a Joint Status Report Regarding Jail Conditions [# 601] in which they said that jail conditions left them unable to adequately confer with defense counsel and prepare their defense.

To address these concerns, I directed the Marshal's Service to make special accommodation to permit contact visits between the custodial defendants and their counsel or standby counsel in the secure area in the courthouse. During such meetings defendants and their counsel and an investigator have internet and cell phone access and may review discovery electronically. These meetings may be observed on screen by USMS personnel but the conversations cannot be heard or recorded and are, for all practical purposes, unmonitored.


To further address these issues, I invited all counsel and standby counsel to an informal gathering with me and representatives of the USMS, MCDC, and Inverness Jail. I did not compel out of state counsel make a special trip, but they were welcome to participate. Mr. Mumford and Mr. Philpot chose not to attend. We met on June 22, 2016, off the record, and had a productive discussion about ongoing problems. The feed back from those who had met with their clients in the Marshal's lock up was uniformly positive.

Initially, I chose to keep these special accommodations off the record to avoid publicity based on advice from the Multnomah County Sheriff's office and the USMS suggesting that the special treatment might pose a danger to these defendants and influence other inmates at the jail to request similar privileges.

In June, under these arrangements, Ammon Bundy and Ryan Bundy were permitted to meet with each other and with their counsel and standby counsel for two full days in the Marshal's lock up. They requested a third meeting which was arranged for July 19, 2016. The Marshal transported the defendants but their attorneys chose not to be present so I directed the Marshal to transport them back to the jail. To date, they have not requested another meeting.

Other defendants have not had any difficulty using this arrangement. Defendant O'Shaughnessy met with his attorney for three full day sessions. Defendants Payne, Santilli, and Cooper have had two full day sessions each. Defendant Fry has requested a meeting that will take place next week. The special arrangement with the Marshal has been available to all the custodial defendants since early June and remains available to them if they choose to take advantage of it.

Dated this 4<sup>th</sup> day of August, 2016.

  
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Hon. Robert E. Jones  
United States District Court